

EXPANDED AGENDA
Board of Adjustment, District 2
February 1, 2012, 6 P.M.
Board of Supervisors Conference Room
1415 Melody Lane, Building G
Bisbee, Arizona 85603

6:00 P.M. Call to Order

Roll Call (Introduce Board members, and explain quorum)

(Also explain procedure for public hearing, i.e., after Planning Director's Report, Applicant will be allowed 10 minutes; other persons will each have 5 minutes to speak and Applicant can have 5 minutes for rebuttal at end, if appropriate.)

Determination of Quorum

Approval of Previous Minutes

NEW BUSINESS

Item 1 - Introduce Docket and advise public who the applicants are.

Public Hearing, Docket BA2-12-01: The Applicant requests a Variance from Section 704.04 of the Cochise County Zoning Regulations, which requires that structures in a TR-36 Zoning District be set back no less than 20 feet from any property line. The Applicant seeks permission to build a garage on the south side of the existing single family home. The new attached garage will be 8 feet from the Southern property line. The subject parcel (Parcel # 104-02-022R) is located at 5980 S Wild Rose Road in Hereford, AZ

Applicant: Ray and Gloria Colby.

- Call for PLANNING DIRECTOR'S PRESENTATION
- Declare PUBLIC HEARING OPEN
 1. Call for APPLICANT'S STATEMENT
 2. Call for COMMENT FROM OTHER PERSONS (either in favor or against)
 3. Call for APPLICANT'S REBUTTAL (if appropriate)
- Declare PUBLIC HEARING CLOSED
- Call for BOARD DISCUSSION (may ask questions of applicant)
- Call for PLANNING DIRECTOR'S SUMMARY AND RECOMMENDATION
- Call for MOTION
- Call for DISCUSSION OF MOTION
- Call for QUESTION
- ANNOUNCE ACTION TAKEN (with Findings of Fact)

Call for Planning Director's Report
Call to the Public
ADJOURNMENT



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

Carlos De La Torre, P.E., Director

TO: Board of Adjustment, District 2

FROM: Beverly Wilson, Interim Planning Manager

For: Michael Turisk, Interim Planning Director

SUBJECT: Draft Minutes of the Regular Meeting of November 2, 2011

DATE: November 8, 2011

Members Present:

Albert Young, Chairman

Patrick Greene, Vice Chairman

Gerald Eberwein, Member

Staff Present:

Beverly Wilson, Interim Planning Manager

Corinna Carbajal, Planning Department Staff

Others Present:

Jim Cooley, Progressive Solar, Applicant

Ms. Joan Ruane, Property Owner

These minutes for the BA2 meeting held on November 2, 2011 are complete only when accompanied by the memoranda for said meeting dated November 2, 2011.

Call to Order / Roll Call:

Chairman Albert Young called the meeting to order at 6:00 p.m. at the Board of Supervisor's Executive Meeting Room at the County Complex in Bisbee. He explained the procedures of the meeting to those present, and noted that all three members of the Board were present, establishing that the Board had a Quorum and could proceed.

Vice Chairman Greene pointed out a correction to the draft minutes in that his name has an 'e' on the end and asked that it be corrected. Chairman Young made a motion to approve the corrected minutes of the August 3, 2011 regular meeting. Mr. Eberwein seconded the motion, and the vote was 3-0 to approve the corrected minutes of the August 3, 2011 meeting.

NEW BUSINESS

Docket BA2-11-03 (Progressive Solar for Ruane): Chairman Young asked for the staff presentation of the Docket. Beverly Wilson offered the staff report for Docket BA2-11-03, which is a request for a variance from the Cochise County Zoning Regulations Section 604.03, which requires a 20' setback from all property boundaries in an RU-4 Zoning District. The Applicant applied for this variance on her parcel (#103-18-003A), located at 8204 Frontier Road, McNeal, AZ. The Applicant is applying for this variance to place a ground-mounted passive hot-water pre-heat system from the required 20' setback to 13' from the north property line.

Chairman Young then called for the Applicant's statement at which time Mr. Cooley described the unit as being a size similar to a sheet of plywood and ground mounted. There were no questions for Mr. Cooley. Mrs. Ruane stated that she is very excited to switch to solar power for her hot water needs.

Chairman Young then closed the Public Hearing and called for Board discussion. Mr. Eberwein asked Mr. Cooley why this unit couldn't be placed closer to the home. Mr. Cooley responded that without a structural evaluation of the modular home, it is being placed as close as they can get it without impeding on the driveway. Mr. Eberwein pointed out that the site plan that was submitted didn't show a driveway. Mr. Cooley clarified that there is a driveway on the north side of the home. Mr. Eberwein was pleased with the answer. Vice Chairman Greene then asked who the second letter of support came from – it was received after the packet was sent. It was from Barbara Batey, a neighbor of Mrs. Ruane's.

Mr. Cooley asked for a definition of mounting a structure and if this unit would be considered a structure if it wasn't ground mounted. Ms. Wilson answered that it would be considered a structure in the Regulations. Mr. Eberwein added that it was also connected to the water system of the home.

Chairman Young asked for the Planning Directors recommendation and summary.

Ms. Wilson stated that there are two Factors in Favor: 1. there will be no on-site or off-site impacts created by placing this unit as requested; and 2. the adjoining property Owner has submitted a letter of support for this request. There appear to be no factors against this request. Based on the Factors in Favor for approving this variance, Staff recommends approval of the request.

Chairman Young called for a motion. Vice Chairman Greene made a motion to grant this application for the Variance. Mr. Eberwein seconded it and added the factors in favor.

There was no further discussion

The vote was 3-0 to approve the motion.

Chairman Young then announced that the Variance to place the solar unit 13 feet from the north property line was approved.

Planning Director's Report:

Ms. Wilson reported that there are no new pending BA2 Dockets, but two special use dockets are scheduled for the upcoming November 9, 2011 Commission meeting. One Special Use is for a modification for a private airstrip near Government Draw east of Highway 80. Staff will be requesting a motion to table this docket until February, 2012. The second docket is a Special Use is for permission to erect an 80' Wireless Communication Tower east of Douglas on "D" hill. The final agenda item is for a work session on the Ordinance, By-laws, and new Commissioner training ideas. She gave a brief report on the recent rezoning heard by the Board of Supervisors at their October 25, 2011 that was approved after a lengthy hearing. A Master Development Plan went in front of the Board and was approved. The Staff is working on several subdivision plats that will be moving towards the Commission and the Board in a few months. Mr. Eberwein gave a brief synopsis of the County's effort to re-district by using precinct boundaries in balancing population changes. Mr. Eberwein stated that he has suggested a change to the Ordinance regarding how cases could be heard by a different Board if a member has a request in front of the Board of Adjustment.

Mr. Eberwein made a motion to adjourn. Mr. Greene seconded, and Chairman Young adjourned the meeting 6:31 p.m.

Sign In

Jim COOLEY
Joan Ruane

PROGRESSIVE SOLAR inc
Home owner

14 8.85
15.24



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Carlos De La Torre, P.E., Director

MEMORANDUM

TO: Cochise County Board of Adjustment, District 2
FROM: Beverly Wilson, Interim Planning Manager
For: Mike Turisk, Interim Planning Director
SUBJECT: Docket BA2-12-01 (Colby)
DATE: January 19, 2012, for the February 1, 2012 Meeting

REQUEST FOR A VARIANCE

Docket BA2-12-01 (Colby): The Applicants are seeking a variance from the Cochise County Zoning Regulations, Section 704.04, which requires that all structures in an Residential (R) Zoning District be set back no less than 20 feet from all property lines. The Applicants seek to construct an attached garage to the existing home. If built per plans, the new garage would be 8' from the southern property line. The subject parcel (Parcel No. 104-02-022R) is located at 5980 S Wild Rose Road, Hereford, AZ. The Applicants are Ray and Gloria Colby.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Parcel Size: .98 acres (42,571.99 sq. ft.)
Zoning: R-36 (one dwelling per 36,000 square feet)
Growth Area: Growth Category B
Plan Designation: Neighborhood Conservation
Area Plan: Sierra Vista Subwatershed
Existing Uses: Single Family Home

Surrounding Zoning

Relation to Subject Parcel	Zoning District	Use of Property
North	R-36	Rural Vacant Land
South	SR-43	Charleston Park Estates Subdivision- Undeveloped
East	R-36	Rural Residential
West	R-36	Ranchos San Pedro Subdivision-Undeveloped



Parcel #104-02-022R is a narrow parcel (approximately 130' wide).

II. PARCEL HISTORY

April, 1996 - A permit for a single family residence was issued.

III. NATURE OF REQUEST

This docket is a request for a variance to allow construction of a new attached garage to the southeast side of the home. The proposed garage is 24' long by 30' wide, which will place it 8 feet from the south property line. The Zoning Regulations require a 20-foot setback in the R-36 Zoning Districts. A Variance is requested based on the shape of this long and narrow parcel.

IV. ANALYSIS OF IMPACTS

The proposed site for the new garage will not, in staff's view, create any on-site or off-site impacts. The property to the South is a platted subdivision, which is undeveloped at this time. The Charleston Park Estates Subdivision plat shows a 26 foot road will be built adjacent to the Applicant's property line, as shown in the photo below. This will place the garage 34 feet from the nearest parcel to the south. The Applicants mentioned in their application that the Carr Canyon wash is approximately 60 feet from their southern parcel boundary. There will be no impacts on their parcel from the wash, as the subject parcel is in FEMA Zone X.

Staff received no correspondence regarding this request, either in support or in opposition.



This photo was taken looking to the west, along the Southern parcel boundary. The proposed garage will be built where the truck is parked.

V. PUBLIC COMMENT

The Department mailed notices to neighboring property owners within 300 feet. Staff posted the property on January 18, 2012, and published a legal notice in the *Bisbee Observer* on January 12, 2012. To date, the Department has not received any response from the public, supporting or opposing this request.

VI. SUMMARY AND CONCLUSION

The Applicant's request for a Variance to the 20-foot setback as required in a R-36 Zoning District to construct this attached garage 8-feet from the southern boundary appears to create no on-site or off-site impacts. The narrow parcel certainly limits the Applicant's options for placing this new building.

Factors in Favor of Allowing the Variance

1. There will be no on-site or off-site impacts created by placing this unit as requested.

Factors Against Allowing the Variance

1. There appear to be no factors against this request.

VII. RECOMMENDATION

Based on the factor for approving the variance, staff recommends **approval** of the Variance request.

Sample Motion: Mr. Chairman, I move to approve the following Variance appertaining to Docket BA2-12-01: permitting the attached garage to be installed 8 feet from the south property boundary.

VIII. ATTACHMENTS

- A. Variance Application
- B. Location Map
- C. Site Plan

BAZ-12-01



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APPLICATION FOR VARIANCE

DESIRING A VARIANCE FROM THE TERMS OF THE COCHISE COUNTY ZONING REGULATIONS:

TO THE HONORABLE BOARD OF ADJUSTMENT, DISTRICT 2.

I (we), the undersigned, hereby petition the Cochise County Board of Adjustment, District _____ to grant a variance from the terms of the Cochise County Zoning Regulations as follows:

(Note: Complete all the following items. If necessary, attach additional sheets.)

1. Parcel Number: 104-02-022R 9
2. Address of parcel: 5980 S. Wild Rose Road. Hereford Az. 85615
3. Area of Parcel (to nearest tenth of an acre): South portion
4. Zoning District designation of Parcel: _____
5. Describe existing uses of the parcel and the size and location of existing structures and buildings on it. _____
Use is residential. size is .83 of an acre. A 1830 sq foot ranch style house is located on
said lot centered north to south and set back 190 feet from Wild Rose Rd. on the
eastern property line.
6. Describe all proposed uses or structures, which are to be placed on the property.
Attached Garage to the south portion of existing house.

7. State the specific nature of the variance or variances sought.

South corner of proposed attached garage would be 8 feet from the south

property line

8. A variance may be granted only when, due to any peculiar situation surrounding a condition of a specific piece of property, including unusual geographic or topographic conditions, strict application of the Zoning Regulations would result in an unnecessary hardship to the property owner. In granting variances, however, the general intent & purpose of the Zoning Regulations will be preserved (See attached Section 2103.02 on variances). Describe the reasons for requesting the variance and attach any documents necessary to demonstrate compliance with the provisions cited above.

Due to the limited size of the parcel adhering to the 20 ' set back requirement for

structures from property line would not allow the home owner to build attached garage

to existing house resulting unnecessary hardship.

9. State why the variance would not cause injury to or impair the rights of surrounding property owners. Identify conditions you propose, if any, to minimize the impact on surrounding properties. It shall be the responsibility of the Applicant to submit any studies and/or data necessary to demonstrate the effectiveness of the alternative conditions.

The said parcel is located on the west side and south end of Wild Rose RD, which is a

dead end road that ends at the Carr Canyon wash, because of the location of the wash

there could be no improvements or construction on the land located just south of said

parcel. The Carr Canyon wash is located approximately 60 feet to the south of said

parcel. Therefore there would be no impairment on the rights of surrounding property

10. List the name and address of all owners of the Parcel(s) for which the variance is sought.

PROPERTY OWNER

MAIL ADDRESS

Ray Colby

5980 S. Wild Rose RD. Hereford Az.

Gloria Colby

5980 S. Wild Rose RD. Hereford Az.

85615

The undersigned hereby certifies and declares that to the best of his/her knowledge and belief the data submitted on and attached to this application for a variance from the terms of the Cochise County Zoning Regulations are true and correct.

SIGNATURE OF PETITIONER

ADDRESS

DATE

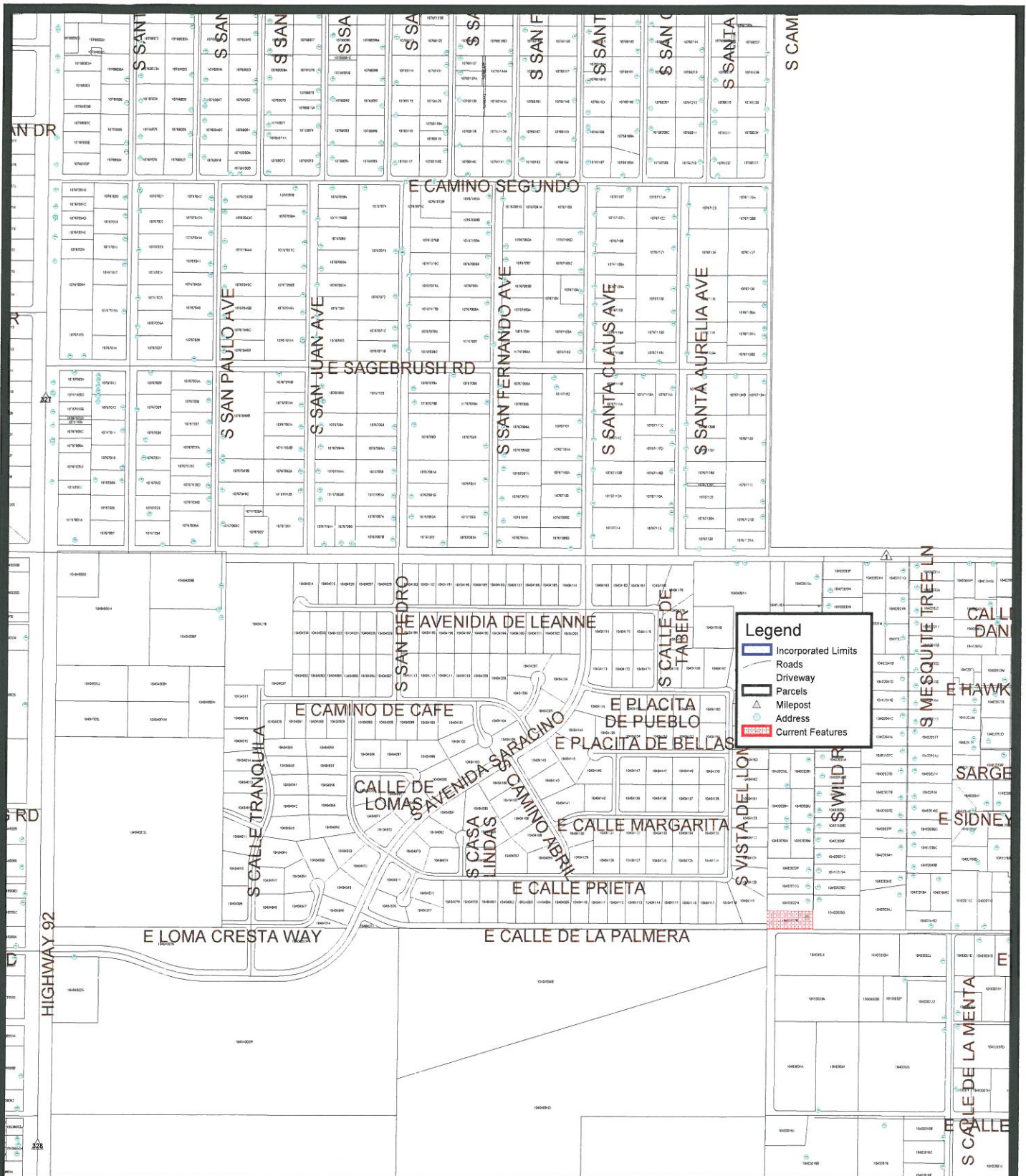
Ray Colby 5980 S. Wild Rose Rd 11/29/11

Gloria Colby 5980 S. Wild Rose Rd 11/29/11

APPLICANT'S PHONE NUMBER (520) 404-8900

APPLICANT'S EMAIL ADDRESS _____

Note: Each application shall be accompanied by an accurate site plan showing the parcel of land and the existing and proposed structures and buildings on it, and shall be accompanied by a check in the amount of three hundred dollars (\$300) payable to the Cochise County Treasurer. Return to the Cochise County Planning Department, 1415 Melody Lane, Building E, Bisbee, Arizona, 85603.



Parcel #104-02-022R

This map is a product of the
Cochise County GIS



0' 1" = 971'

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